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Meeting Minutes

**Board of Building Regulations and Standards (BBRS)
Ashburton Café, One Ashburton Place, Boston MA 02108
April 14, 2015 at 10:00 a.m.**

1. The chair opened the meeting at 10:09 and asked for roll call which is noted here:

Brian Gale Chair (BG)	x present <input type="checkbox"/> absent	Structural Engineer (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Richard Crowley V-Chair (RC)	x present <input type="checkbox"/> absent	Thomas Perry* (TP)	x present <input type="checkbox"/> absent
Robert Anderson* (RA)	x present <input type="checkbox"/> absent	Stephen Coan* (SC)	x present <input type="checkbox"/> absent
Kevin Gallagher (KG)	x present <input type="checkbox"/> absent	General Contractor of Commercial or Industrial	
Jerry Ludwig (JL)	x present <input type="checkbox"/> absent	Buildings (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Alexander MacLeod (SM)	x present <input type="checkbox"/> absent	Harry Smith (HS)	x present <input type="checkbox"/> absent

* Jacob Nunnemacher (JN) was designee for SC, Tom Riley (TR) was designee for RA until 11:10 a.m., TP arrived at 10:52 a.m. and BG exited at 2:39 p.m. and RC was chair thereafter. Also in attendance from DPS were Deirdre Ann Hosler (DH), Don Finocchio (DF), and Mike Guigli (MG).

General notes on format:

- votes are noted as (Motion by, Second by, All) if the vote, by all member present for the vote, is unanimous followed by the time and
- agenda topics appear herein as numbered but may have been taken out of order as indicated by the time.

2. The March 3, 2015 meeting minutes as found in Exhibit A were reviewed and approved as amended. (RC, SM, All) 10:18.
3. Status update or review and/or approval of action items from previous meetings:
- a. There was no discussion on edits to the May 13, 2014 white papers on cost and effectiveness of building code requirements in 3 to 6 unit residential buildings so this topic remained tabled.
 - b. TR sought and the BBRS approved issuing a draft official interpretation on code requirements for window replacement for commercial buildings as found in Exhibit B. It will be issued, including but not limited to: stakeholders, building officials, and the AIA in Boston. (TR, HS, All) 10:23
 - c. MG noted that a letter to Sprinkler Appeals Board has been drafted concerning the review of enforcement of M.G.L. c. 148, §26G.
 - d. MG noted that BBRS/DPS e-Memo Communications have been issued at a rate of one or more per month since November 2014. This communication effort is in response to stakeholder feedback for more BBRS news and updates. Action still remains to create a DPS web page as a repository for past and future e-memos. 10:24
 - e. There remains an open action of forwarding photos of the Whitman window/siding incident to DOE and discussion with the Commissioner of DPS if more work at the state level is required. Related to this action was agenda item 11 so the chair asked that KG provide any new information. KG described another incident in Cambridge at 202 Walden Street on March 29, 2015 where the Fire Department (FD) witnessed smoke and a light charring on the

shingles and on March 24, 2013 the FD responded to a possible structure fire and found that occupant had put snow on the smoking bare wood window sill. This incident involved two residential buildings separated by a driveway. Light reflected from windows in one building focused on, heated, and caused damage to the wood shakes on the other building as shown in Exhibits C, D, and E. Also discussed was a letter (Exhibit F) from the Whitman building commissioner citing a building owner for having an unsafe building. KG noted that DFS is conducting a survey of municipal fire departments on this topic. BG noted that the action by this building official is appropriate and that it is no longer a vinyl siding issue. BBRs approved an action for staff to invite the window industry and DOER to the May 12 meeting to inform the BBRs of reasons why energy efficient windows should not be banned in MA (BG, KG, All) 10:52

- f. HS provided comment on the topic of determination if lessening requirements pertaining to Home builder proposals on duct testing and ACH change from 3 to 5 is allowed. He noted that the proponents of the proposals could not be present for this meeting and therefore asked that this agenda topic be tabled which was approved. (HS, RC, All) 10:55.
- g. Review of 780 CMR 9th edition topics:
 - a. DH provided a summary of Executive Order 562 as found in Exhibit G. Several questions were raised with respect to how this may affect the promulgation of the 9th edition 780 CMR and conflict or duplication of the various specialized construction codes. No definitive answers were forthcoming. 11:12
 - b. MG provided an update of the proposed format for the base and residential volumes of the 9th edition. Feedback is mixed on front end amendments for the base volume. However, separate amendments for the residential volume is strongly opposed by builders and building officials. The BBRs chair directed staff to figure out a way to make the residential volume a single book (imbedded amendments) and to assemble a diverse team to provide a recommendation on the format of MA amendments to the base volume.
 - c. BBRs reviewed the following two topics:
 - i Adoption or not of 2018 I-Codes? Board members wanted to see/review the 2018 I-codes before they forgo the adoption. Consensus was not reached at this time. (11:24)
 - ii All amendment changes to the 9th edition held until (filed) on or about January 1 of each year was approved along with incorporating this policy decision in the preface of the 9th edition. (RA, HS, All) 11:20
 - d. RA noted that the goal for an effective date of the 9th edition is January 2016. He also noted that the EO 562 may affect this date but that the BBRs should work to meet the goal. During this discussion RC motioned to move to promulgation the 9th edition proposals. The motion was seconded by SM. After several members requested that the final drafts be reviewed today RC withdrew the motion. KG noted that it would be helpful to have another month for a detailed review. The BBRs approved a promulgation vote to be taken on the 9th edition 780 CMR on May 12 and that the advisory committees be given an opportunity to comment on the final draft of the entire 9th edition with edits received by close of business May 5, 2015. (KG, JN, All) 11:56
 - e. The final draft of Chapter(s) 1 were not viewed or reviewed.
 - f. The final draft of MA amendment proposals to Chapters 2 to 35 (IBC) as Exhibit H was opened for review.
 - i TR provided recognition of Nick Johnson's service as first EAC chair and the BBRs endorsed the action for TR to issue a letter recognizing his service, to Mr. Johnson's wife. (3:06)
 - ii Joe Zona, the chair of the Structural Advisory Committee (SAC) appeared and provided a summary of the code review process undertaken by the SAC. He also provided background and rationale for two newly proposed MA requirements; (1) roof repairs due to snow and ice affects and (2) an exception allowed for certain buildings in the use of the Performance Method. The detailed language of both proposals is found in Exhibit H. (11:59 to 12:15)
Steve Kraemer, the chair of the Geotechnical Advisory Committees (GAC) appeared and provided a summary of the code review process undertaken by the GAC. He also talked in detail on construction using ground improvement and the uptick in the use of the method and voiced his opinion for the need of regulation in this arena. He will convene the GAC in the coming months to begin to address these topics. (12:17 to 12:40)
At 1:48 Eric Carlson (EC) from DCR and Rebecca Haney from Coastal Zone Management provided a summary of the flood construction requirements in the base volume. EC has reviewed and is in agreement with the requirements in Exhibit H but would like to propose to the BBRs some changes in elevation requirements in ASCE 24 to be consistent with requirements of the 8th edition. For example the 8th edition requires 2 ft of free board in a V-Zone, which is not evident in the 9th edition. After discussion EC took an action to provide a summary of the changes and the rationale for each in time for the May 12 promulgation vote.

MG continued to proceed through Exhibit H as directed. The BBRs reached consensus on requirements for lodging houses and care facilities which were two items in which consensus was not reached at a previous meeting. The only open item for consensus discussion is the NIGHTCLUB definition. A proposal from DPS and/or DFS is expected for BBRs review prior to the May 12 promulgation vote. At JN's request staff took an action to forward to the BBRs the Chapter 1 file with DFS comments issued as part of the BCCC review process. KG requested and DF took an action to ensure that floor fire protection requirements of the 9th are consistent with those contained in the 8th edition MA amendment. (2:44)

- g. The final draft of MA amendment proposals to Chapter 51 (IRC) was not reviewed.
 - h. The final drafts contained in Chapter 110: Concrete Test Labs, Manufactured Buildings, Native Lumber, and CSL were not reviewed.
 - i. At 12:43 Ian Finlayson on behalf of DOER provided background and a summary of proposed final draft of Appendix 115 AA Stretch Code Exhibit I. He noted that it has shrunk in size from 19 pages to 1/3 of one page. It applies only to new construction and relies in large part on the proposed base energy conservation code (IECC 2015). He also spoke on two proposals that were in front of the BBRs at a previous meeting; *Solar Ready Buildings* and *Electric Vehicle Capability* and requested that these and the new Stretch Code be included in the public hearing for the 9th edition of 780 CMR. There were pro and con comments voiced by several BBRs members during this discussion and negative comments (1:06) voiced by Tamara Small (NAIOP) for all three proposals. The BBRs took no action on any of these DOER proposals. At 1:10 the chair paused the meeting for lunch until 1:30.
 - j. See 4i.
- h. The BBRs approved 64 and 81 new CSLs in the month of February and March 2015, respectively and CSL reinstatements for medical reasons for Christopher Logan CS-083893 and Alexander Bradginsky CS-046053. (HS, SM, All) 2:46 and 2:47
 - i. At 1:35 DH provided guidance on the request for review of the CSL complaint decision (deny or remand back to the hearing officer) against Daniel Kreatz Docket No. 2014-479. Attorney Galusi spoke on behalf of Mr. Kreatz and requested that the BBRs consider reducing the CSL suspension period from 12 months to 6 months. BG and HS noted that in their review of other CSL hearing decisions the suspension period issued in this docket is reasonable and consistent with others. The BBRs denied the request for review and therefore the hearing decision as issued (Exhibit J) remains unchanged. (SM, TP, All) 1:46
 - j. The BBRs endorsed an ICC proclamation of May 2015 as Building Safety Month and directed staff to issue an E-memo consistent with this. (HS, TP, All) 2:49
 - k. DPS has developed a draft Table 110 Periodic Inspection checklist and will provide training to building officials in May. The BBRs endorsed the training with the caveat that pre-existing non conforming requirements be considered and further the BBRs endorsed:
 - a. the draft checklist (Exhibit K), and
 - b. sharing same with local building officials for comment, and
 - c. posting of final version to the DPS website for use state wide and
 - d. to communicate when complete via an E-memo.
 - l. The BBRs approved the BOCC meeting minutes, and actions contained therein, from Jan, Feb, and Mar 2015. These were not viewed today but were sent via email and are found as Exhibits L, M, and N.
 - m. Window/siding interaction per the request of Kevin Gallagher. (See agenda item 3e)
 - n. The BBRs reviewed permit and/or licensing requirements for the installation of pre cast concrete steps for residential buildings which are installed per the manufacturer's instructions. The BBRs approved as follows:
 - a. Is a permit required? Yes, unless the work is considered a repair.
 - b. Is an HIC registration required? Possibly and according to the office of consumer affair requirements.
 - c. Is a CSL required? No. (SM, TP, Approved) HS↓ 3:03

- o. TR presented a recommendation for the concrete testing laboratory renewal application for CTL # 055, Advance Testing Co., Inc., 3348 Route 208, Campbell Hall, NY 10916-3508 which was approved. (HS, SM, All) 3:03
- p. There were no matters not reasonably anticipated 2 business days in advance of meeting.
- q. The meeting was adjourned. (HS, TP, All) 3:07

Exhibits (listed as file names)

- A. BBRS Minutes March 3, 2015 (Approve April 14 2015)
- B. Commercial Glazing Proposed Official Interp 2015_01 2.4.15_draft
- C. image (1)
- D. image (2)
- E. image
- F. Whitman_Unsafe_Structure_Letter
- G. EO 562_rescinding the EO 485 process
- H. 2014_04_Chapter_02_to_35_Staff_redline_2015_04_14
- I. Draft Stretch code provisions 4-9-15
- J. CSL_Complaint_Docket_2014-479_Decision
- K. Periodic Check List - 8th edition_Staff and Legal Revisions
- L. BOCC_Jan 7 2015 meeting minutes
- M. BOCC_Feb 4 2015 meeting minutes
- N. BOCC_Mar 4 2015 meeting minutes